

Response Deadline: January 20, 2016

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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**In re: LEHMAN BROTHERS HOLDINGS, INC. et
al.**

Debtors.
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**ALLIED WORLD ASSURANCE COMPANY (U.S.)
INC.,**

Plaintiff,

v.

**LB ROSE RANCH, LLC; VAUGHAN COUNTS;
THISHA MCBRIDE; CHARLIE LAWSON;
SARAH LIZ LAWSON; STEPHANIE MOSHER;
STEVE MEW; KORI NEW; CRAIG WILLIS;
PAMELA WILLIS; THE KOREICH 1981 TRUST;
JAMES VIDA KOVICH REVOCABLE TRUST;
GARY GRAY; MICHAEL CRYAN; BRIAN
ALONGE; ANDRE PONTIN; JULIE PONTIN;
PATRICK M. NESBITT; DAVID ICE; LISA ICE;
RICHARD MOORE; DANIEL HOCK; TONI
HOCK; J. CHRISTINE AMINI; NEIL ROSS; THE
SOHRAB AMINI TRUST; JOSEPH S. DAVIS;
KIRSTIN F. DAVIS; TINA ROCHOWIAK;
CHADWICK MICKSCH; SARAH MICKSCHL;
AMERICAN HOME ASSURANCE COMPANY;
and NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA**

Defendants.
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: Chapter 11

: Case No. 08-13555

: Ad. Pro. No. 15-01128-scc

**: Statement of LB Rose Ranch,
: LLC in Response to Motion to
: Dismiss for Lack of Subject
: Matter Jurisdiction or in the
: Alternative, Motion to Abstain**

TO THE HONORABLE SHELLEY C. CHAPMAN
UNITED STATES BANKRUPTCY JUDGE:

Lehman Brothers Holdings Inc., as Plan Administrator under the Modified Third
Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors for
the entities in the above-referenced chapter 11 cases, on behalf of Defendant LB Rose Ranch,

LLC (“LB Rose Ranch”), submits this statement (the “Statement”) in response to the Motion to Dismiss for Lack of Subject Matter Jurisdiction or in the Alternative, Motion to Abstain [Adv. Proc. Docket No. 19] (the “Motion”),¹ filed by Defendants Vaughan Counts, Thisha McBride, Charlie Lawson, Sarahliz Lawson, Stephanie Mosher, Steve Mew, Kori Mew, Craig Willis, Pamela Willis, The Kornreich 1981 Trust, James Vidakovich Revocable Trust, Gary Gray, Michael Cryan, Brian Alonge, Andre Pontin, Julie Pontin, Patrick M. Nesbitt, David Ice, Lisa Ice, Richard Moore, Daniel Hock, Toni Hock, J. Christine Amini, Neil Ross, The Sohrab Amini Trust, Joseph S. Davis, Kirstin F. Davis, Tina Rochowiak, Chadwick Mickschl, Sarah Mickschl (collectively, the “Colorado Homeowners”), and respectfully represents as follows:

1. The Motion asserts, among other things, that LB Rose Ranch is not an indispensable party to the above-captioned litigation (the “Adversary Proceeding”) or any garnishment proceedings which may be initiated by the Colorado Homeowners in connection with the claims asserted in the Colorado Litigation. *See* Motion at § 3, pg. 13-14. Given the Colorado Homeowners representations in the Motion that they seek only to collect on their Judgment against Insurance Policies and Proceeds, as provided for by the two Stay Relief Stipulations, and that “the Colorado Homeowners would resolve all of their claims in the Colorado Litigation (including through execution and collection upon any judgment received) without bothering this Court Again”, *id.*, the Plan Administrator, on behalf of LB Rose Ranch, does not oppose the relief requested in the Motion at this time.

2. Nevertheless, the Plan Administrator reserves its rights to submit a supplemental response or brief in the event that any other party named in the Adversary Proceeding asserts that LB Rose Ranch is an indispensable party or that the Colorado

¹ Capitalized terms used herein but not defined shall have the meanings ascribed to them in the Motion.

Homeowners' recovery on their Judgment is not limited to LB Rose Ranch's Insurance Policies and Proceeds. Nothing contained in this Statement shall constitute an admission or be deemed an admission by the Plan Administrator that the arguments set forth in the Motion with respect to the jurisdiction and authority of this Court are valid. The Plan Administrator submits that resolution of the Motion should not have any bearing on any other matters relating to or addressing this Court's jurisdiction.

Dated: January 20, 2016
New York, New York

/s/ Jacqueline Marcus
Jacqueline Marcus
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, New York 10153
Telephone: (212) 310-8000
Facsimile: (212) 310-8007

Attorneys for Lehman Brothers Holdings
Inc. and Certain of Its Affiliates